

**In the
Indiana Supreme Court**

IN THE MATTER OF)	
)	
REQUEST FOR APPROVAL)	
)	
OF LOCAL RULES)	CASE NUMBER
)	
FOR COURT OF RECORD IN)	
)	
DEARBORN COUNTY.)	

**REQUEST FOR APPROVAL OF AMENDMENT
TO LOCAL RULE**

The Judges of the courts of record in Dearborn County have decided to amend their local rules and, as indicated below, request Supreme Court approval for the following amendment for which Supreme Court approval is required:

Caseload Allocation Rule LR15-AR-5

Caseload Allocation Rule LR15-AR-7

The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81(B).

Accordingly, the Judges of record of Dearborn County request approval of the above Local Rules to be effective January 1, 2008.

Submitted this 19th day of October 2007.

_____/s/_____
JAMES D. HUMPHREY, Judge
Dearborn Circuit Court

_____/s/_____
G. MICHAEL WITTE, Judge
Dearborn Superior Court No. 1

_____/s/_____
SALLY A. BLANKENSHIP, Judge
Dearborn Superior Court II

**NOTICE OF PROPOSED
AMENDMENTS TO LOCAL RULES
FOR THE DEARBORN
CIRCUIT AND SUPERIOR COURTS**

Notice is hereby given to the bar and the public that the Dearborn Circuit and Superior Courts are proceeding to adopt amendments to Local Court Rules, which, if approved, will be effective January 1, 2008.

Copies of the proposed amendments may be viewed or obtained in the office of the Clerk of Dearborn County located at 215 W. High Street, Lawrenceburg, Indiana, 47025. Copies may also be viewed on the Indiana Judicial website at:
www.in.gov/judiciary/rules/local/.

COMMENTS

Comments on the proposed amendments of the Local Court Rules will be received until thirty (30) days from the date of this notice and should be sent to the Dearborn Circuit Court at 215 W. High St., Lawrenceburg, Indiana, 47025.

After consideration of all comments received, the proposed amendments will be adopted, modified, or rejected and submitted to the Indiana Supreme Court for approval.

EFFECTIVE DATE

Adopted amendments to the Local Rules will not take effect until January 1, 2008, and until approved by the Indiana Supreme Court.

Dated this 19th day of October, 2007.

_____/S/_____
JAMES D. HUMPHREY, Judge
Dearborn Circuit Court

_____/S/_____
G. MICHAEL WITTE, Judge
Dearborn Superior Court No. 1

_____/S/_____
SALLY A. BLANKENSHIP, Judge
Dearborn Superior Court II

**PROPOSED AMENDMENTS TO
LOCAL RULES
FOR THE COURTS
OF
DEARBORN COUNTY,
INDIANA**

Proposed Effective: January 1, 2008

The Clerk of the Dearborn Circuit and Superior Courts is directed to file the following types of non-criminal cases in the following manner:

- A. Juvenile CHINS, Juvenile Delinquent, Juvenile Status, Juvenile Paternity, Juvenile Miscellaneous, Juvenile Termination of Parental Rights, Adoption Petitions, Unsupervised Estates, Supervised Estates, Reciprocal Support, Guardianships, Mortgage Foreclosures, and Trusts shall be filed in the Circuit Court.
- B. Small Claims, Protective Orders, Civil Plenary of an amount at issue of Ten Thousand Dollars (\$10,000.00) or less. Infractions and Ordinance Violations shall be filed in the Dearborn Superior Courts. Filings shall be divided through the following procedure: Cases filed in the months of January, March, May, July, September, and November shall be filed in Dearborn Superior I. Cases filed in the months of February, April, June, August, October and December shall be filed in Dearborn Superior II.
- C. Mental Health cases shall be filed in the Court initiating the commitment process.
- D. Domestic relations cases shall be divided two thirds (2/3) to Circuit Court and one third (1/3) to Superior Court II. Cases filed in the months of January, February, April, May, July, August, October, and November shall be filed in Circuit Court. Cases filed in the months of March, June, September, and December shall be filed in Dearborn Superior Court II.
- ~~E. Civil Torts shall be filed fifty percent (50%) to Circuit Court and twenty five percent (25%) to each of the Superior Courts. Cases filed in the months of January, March, May, July, September and November shall be filed in Circuit Court. Cases filed in the months of February, June, and October shall be filed in Superior Court I. Cases filed in the months of April, August, and December shall be filed in Superior Court II.~~
- E. Civil Torts shall be filed two-thirds (2/3) to Superior Court No. 1 and one-third (1/3) to Superior Court II. Cases filed in the months of January, February, April, May, July, August, October and November shall be filed in Superior Court No. 1. Cases filed in the months of March, June, September and December shall be filed in Superior Court II.

- F. Civil Plenary and Civil Collections with the amounts in controversy, \$10,000.00 or more shall be filed fifty percent (50%) to Circuit Court and twenty-five percent (25%) each to Superior Court I and Superior Court II. Cases filed in the months of January, March, May, July, September and November shall be filed with Circuit Court. Cases filed in the months of April, August, and December shall be filed with Superior Court I. Cases filed in the months of February, June and October shall be filed in Superior Court II.
- G. The judges of the three (3) courts shall retain the authority to assign cases between the courts whenever the workload of each court and convenience in handling cases make such an assignment judicially desirable and with the consent of the Judges.

LR15-AR-7

ASSIGNMENT OF CRIMINAL CASES

- A. Comes now the Court, sua sponte, and, pursuant to Criminal Rule 2.2, 12 and 13 of the Indiana Rules of Court, now issues the following Administrative Order establishing the method of assigning felony and misdemeanor cases in the Court of record of Dearborn County, Indiana:

1. All murder cases shall be filed in the Dearborn Circuit Court.

2. ~~All Class D Felony cases and all Class A, B and C Misdemeanor cases shall be as follows: fifty percent (50%) each Superior Court I and Superior Court II. The cases shall be filed as follows: cases filed in the months of January, March, May, July, September and November shall be filed in Dearborn Superior II. Cases filed in the months of February, April, June, August, October and November shall be filed in Dearborn Superior I.~~

2. All Class D felony cases and all Class A, B and C misdemeanor cases shall be filed in accordance with the month in which the crime is alleged to have occurred as follows:
a) Offenses alleged to have occurred in January, March, May, July, September and November shall be filed in Dearborn Superior Court II.
b) Offenses to have occurred in February, April, June, August, October and December shall be filed in Dearborn Superior Court No. 1.
Cases which allege an episode of criminal conduct over a period of time shall be filed in the month of the first

occurrence of the crime as stated in the charging information. Cases that allege multiple counts of criminal conduct that are not necessarily of a continuing episode shall be filed in the month of the earliest count alleged.

3. All vehicular homicides other than murder cases shall be filed in the Dearborn Superior Court I& II, consistent with paragraph 2 above.
4. All miscellaneous criminal cases may be filed in either the Dearborn Circuit Court, the Dearborn Superior Court I, or the Dearborn Superior Court II.
5. ~~Class A, B and C Felonies shall be randomly assigned by the Clerk as follows: 3/5 of such cases to the Dearborn Circuit Court; 1/5 of such cases to the Dearborn Superior Court I and 1/5 of such cases to the Dearborn Superior II.~~
Class A, B and C felonies shall be randomly assigned by the Clerk as follows: 3/5 of such cases to the Dearborn Circuit Court; 1/5 of such cases to the Dearborn Superior Court No. 1; and 1/5 of such cases to the Dearborn Superior Court II.
Once filed as a Class A, B or C felony, subsequent amendment of charges to add Defendants or additional counts (either of which arise from the same transaction or occurrence) shall be filed in the court of original filing. In addition, if such charges are dismissed and re-filed, the charges shall be re-filed in the Court of original filing.
6. All traffic infractions shall be filed in the Dearborn Superior Court I.
7. The Judge presiding over a case to be filed in accordance with this Rule may request that the case be filed contrary to this Rule where there exists the appearance of conflict of interest. Before doing so, the Judge shall seek permission from the Judge of the Court in which the cases are intended to be filed.
8. This Rule does not affect the manner of assigning cases to Courts of non-record.